

Message Text

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PAGE 01 MOSCOW 11083 141221Z

44

ACTION L-03

INFO OCT-01 EUR-12 ISO-00 SCA-01 JUSE-00 SSO-00 IO-13

CPR-01 SS-15 NSC-05 SP-02 CIAE-00 INR-07 NSAE-00

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FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 6330

INFO AMCONSUL MUNICH

LIMITED OFFICIAL USE MOSCOW 11083

E.O. 11652: N/A

TAGS: PFOR, PINT, UR, US

SUBJECT: SOVIET EXTRADITION LAWS

REF: STATE 173715,

1. REVIEW OF EMBASSY'S COLLECTION OF SOVIET LEGAL LITERATURE, INCLUDING RSFSR AND USSR CRIMINAL CODES, ADMINISTRATIVE CODES, COMMENTARIES AND TEXT BOOKS HAS YIELDED NEGATIVE RESULTS ON SOVIET AUTHORITY (A) TO EXTRADITE AN ALLEGED OFFENDER UNDER SOVIET DOMESTIC LAW AND IN ABSENCE OF AN EXTRADITION TREATY, OR (B) TO EXTRADITE PURSUANT TO ARTICLE 8 OF UN CONVENTION ON PROTECTION OF DIPLOMATS.

2. IN OUR OPINION, HOWEVER, THE FACTOR GOVERNING SOVIET WILLINGNESS TO EXTRADITE OR NOT TO EXTRADITE AN ALLEGED OFFENDER IN THE ABSENCE OF EXTRADITION TREATY WOULD DEPEND NOT ON WHAT SOVIET DOMESTIC LAW MAY OR MAY NOT SAY ON THE SUBJECT (AND WE SUSPECT IT SAYS NOTHING), BUT ON THE RELATIVE ADVANTAGE OF EITHER ACTION, IN A PARTICULAR CASE, TO SOVIET POLITICAL INTERESTS. IT IS WORTH NOTING THAT THE DISCUSSION OF EXTRADITION ("VYDACHA") IN THE SOVIET DIPLOMATIC DICTIONARY

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PAGE 02 MOSCOW 11083 141221Z

(DIPLOMATICHESKIY SLOVAR', VOL. 1, POLITIZDAT, 1971)
RESERVES TO THE STATE RECEIVING A REQUEST FOR EXTRA-
DITION FULL FREEDOM TO DECIDE, IN THE ABSENCE OF A TREATY,
WHETHER OR NOT TO HONOR THE REQUEST.
MATLOCK

NOTE BY OC/T: REFTEL INCORRECT; SERVICE ON REQUEST.

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NNN

*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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